

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

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JOSEPH BROMBERG and FLORENCE : GENERAL JURISDICTION DIVISION
BROMBERG, his wife :
 : CASE NO. 91-29011 CA 42
Plaintiffs, :
 :
vs. :
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ABEX CORPORATION, et al., :
 :
Defendants. :
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ABEX CORPORATIONS'S ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

Abex Corporation ("Abex"), by and through its undersigned attorney, generally objects to these interrogatories on the grounds that they are unduly burdensome, oppressive, vague, overly broad as to time, scope and location, lack particularity, and are repetitive. The use of the words "any," "all" and "each" is overly broad and is objected to. Many of the interrogatories in this set designate extensive periods of time or request information without any limitation or specification of particular periods of time. As a result of the failure by plaintiff to specify relevant time periods, many of the interrogatories fail to distinguish relevant from irrelevant matter. Many of the interrogatories call for Abex to provide answers concerning events and records spanning a period of more than five decades. Consequently, the entire set of interrogatories is overly broad, unduly burdensome, oppressive and harassing, and beyond the scope of proper discovery.

Many of these interrogatories call for Abex to characterize the state of knowledge or awareness of a corporation at any given time with regard to a particular fact, event or subject. Abex can only respond to such interrogatories, if at all, by stating on information and belief the degree of knowledge of a particular fact, event or subject as held by a person at a specific time. Such answer, if given, is not intended and should not be deemed to constitute an acknowledgment by Abex that such knowledge is attributable to it either then, or at any given time.

The failure of plaintiff to limit these interrogatories to information related to Abex's alleged liability in this case renders the interrogatories as a whole, irrelevant to the subject matter of this action individually, and not reasonably calculated to lead to the discovery of admissible evidence. Objection is also made to the extent these interrogatories assume the truth of matters not established, and on the grounds that they seek information which is not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence.

Objection is also made to these interrogatories to the extent that they seek information or materials which have been gathered or prepared in the course of the asbestos litigation, or which is otherwise subject to the attorney-client privilege, protected by the attorney work-product doctrine, the rule protecting materials prepared in anticipation of and/or in connection with litigation, or any other applicable privilege. Abex further objects to these interrogatories to the extent these

discovery requests seek or make inquiry into confidential, proprietary or trade secret information or materials.

To the extent that these interrogatories seek information regarding alleged potential health risks to any individual who worked at a plant where Abex's asbestos-containing automotive friction products were manufactured, Abex objects on the grounds that such information is not relevant to this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence. Abex further objects to these interrogatories to the extent that they make no distinction among exposure to raw asbestos fibers, exposure to asbestos-containing building products and exposure to asbestos-containing automotive friction products.

Abex objects to these interrogatories on the ground that they seek information from and identification of each and every person with knowledge of a particular fact, event or subject matter and as such these interrogatories are overly broad, unduly burdensome, oppressive and harassing. The interrogatories are complex and vague and have overlapping subject matters. Hundreds of persons may have knowledge of some of the subjects into which inquiry is made. In other cases the subjects are too ill-defined to allow specification of persons with knowledge. Many of the persons who have or may have had knowledge of particular facts, events or subject matters of which inquiry is made are now deceased or cannot be located. Others, even if they can be located, are not presently in the employ or under the control of Abex and cannot be compelled to assist in the preparation of answers to these interrogatories. Moreover,

due to the extensive time, in some instances open ended, covered by these interrogatories, the persons who may have had knowledge of a particular fact or event may not be able to recall or reconstruct either a fact or event, the source of such knowledge or the time at which such knowledge was acquired.

Abex further objects to these interrogatories on the grounds that they are burdensome, hopelessly overbroad and harassing in that they request information which is not within the personal knowledge, possession or control of Abex, its employees or agents, or which could be ascertained or derived only from a page-by-page review of the voluminous documents and records of Abex, if in fact they exist. There is no compilation, abstract, index or summary of most records in Abex's possession which may be responsive to these interrogatories, and the burden of deriving or ascertaining the answer to those interrogatories is substantially the same for plaintiff as for Abex. Abex has never mined asbestos, nor has Abex manufactured, processed, distributed, marketed or sold any asbestos-containing building products. The answers of Abex hereinafter set forth are limited to providing information concerning domestic automotive friction products manufactured by Abex for the relevant time period only.

The information provided in these answers to interrogatories is based upon such information as is presently available to Abex, and Abex expressly reserves the right to supplement or amend these answers when and if additional relevant information or documentation is discovered by Abex. Some information provided herein is based upon knowledge obtained through a review of Abex's documents and records. This review is continuing. Abex does not concede that any of its answers to these interrogatories are or will be admissible evidence at a trial of this action, and Abex does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

To the extent that the information contained herein differs in any respect from any prior answer to discovery, these answers shall be deemed to update and supersede any prior answers in any and all actions. This introduction and the general objections are explicitly incorporated into each of the answers set forth herein.

SPECIFIC ANSWERS

1. State the name, address, telephone number and position of the corporate officer answering these interrogatories.

ANSWER TO INTERROGATORY NO. 1: Abex objects to this interrogatory on the grounds raised in the foregoing introduction and general objections. Subject to and without waiving these objections, Dexter Kenfield, Esq., Corporate Counsel of Abex, Liberty Lane, Hampton, New Hampshire 03842, with the assistance

of various persons, including legal counsel, participated in drafting these answers.

2. State the following for ABEX CORPORATION:

- a. Principal place of business;
- b. Date and place of incorporation;
- c. State or states where ABEX CORPORATION is registered to do business.

ANSWER TO INTERROGATORY NO. 2:

- a. Hampton, New Hampshire
- b. Abex was incorporated in 1902 in New Jersey and The American Brake Shoe and Foundry Company; it was subsequently reincorporated as that company in Delaware in 1916.
- c. Abex objects to this subpart on the grounds that it is overly broad. Subject to and without waiving this objection, Abex has been qualified to do business in the State of Florida since March 1985.

3. State the following for all predecessors of ABEX CORPORATION:

- a. Principal place of business;
- b. Date and place of incorporation;
- c. State or states where such predecessor was registered to do business;
- d. Date acquired by ABEX CORPORATION.

ANSWER TO INTERROGATORY NO. 3: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

4. Has your firm or any of its predecessors ever engaged in:

- a. the mining of asbestos material;
- b. the processing and/or refining of asbestos material;
- c. the manufacture of asbestos products;
- d. the sale and/or distribution of asbestos products.

ANSWER TO INTERROGATORY NO. 4:

- a. No.
- b. No.
- c,d. Abex objects to the term "asbestos products." Abex never manufactured, sold or distributed "asbestos products," but rather manufactured and sold automotive friction products, some of which contained chrysotile asbestos as one of their components.

5. Identify the distribution chain of Defendant's asbestos products since 1939 along with any documents evidencing or confirming such chain, including but not limited to distribution from and to other asbestos products manufacturers.

ANSWER TO INTERROGATORY NO. 5: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, documents which may be responsive to this request may be on file and if so, may be made available for inspection and copying upon receipt of an appropriate document request.

6. State the name and positions of all corporate officers or officials having the responsibility of creating, directing, setting or determining the course, of action and/or the responsibility of your firm's activities with regard to the mining, manufacturing, processing, sale and/or packaging of asbestos products since 1939, insofar as it relates to asbestos and health.

ANSWER TO INTERROGATORY NO. 6: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

7. For each asbestos product mined, manufactured, processed, refined, sold or distributed by you between the years 1939 and 1980, state:

- a. the date you commenced such activities;
- b. the generic name of the "asbestos product";
- c. the brand name of the "asbestos product";
- d. the trademark name of the "asbestos product";
- e. the asbestos content of such "asbestos product, supplier, type and percentage";
- f. the mineralogical and other constituents of such "asbestos product" and the percentage by weight of each such constituent;
- g. any modifications to the product which altered the percentage or type of asbestos in the product and the dates of such modifications;
- h. the source of asbestos in each product.

ANSWER TO INTERROGATORY NO. 7: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex objects to the term "asbestos products." Abex never mined, manufactured, processed, refined, sold or distributed "asbestos products," but rather manufactured and sold automotive friction products, some of which contained chrysotile asbestos as

one of their components. Because plaintiff has failed to identify exposure to any asbestos-containing products of this defendant, this interrogatory is objected to on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. All other grounds for objection are reserved pending possible future product identification.

8. With respect to each asbestos product referred to in Answer No. 7, or which were sold to any other defendant in this action, state:

a. The full description of each product including the color, physical characteristics, and appearance of each product.

b. The intended use of the product.

c. The reasons why asbestos was used as an ingredient in each such product.

d. Does the asbestos product have to be cut, sawed, shaped, mixed, or otherwise worked before or during application or use? If so, describe what the user had to do before applying and using the product.

e. The form in which the product is sold, e.g., bags, drums, boxes, size, color(s), writing thereon, etc.

f. If said packaging was changed at any time, when was the packaging changed?

g. The form in which the product is sold after the change in packaging, e.g., bags, drums, boxes, size, color(s), writing thereon, etc.

h. All other names under which the product was sold.

i. The number and date of each patent or patent application as to the product.

j. If the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted; the identity of the person who made the decision to delete the asbestos; and the date the product was first produced without the asbestos.

k. If the product is no longer produced, all reasons it was discontinued; the identity of the person who made the decision to discontinue the product; the brand name of the replacement product; and the date the replacement product first went into production.

ANSWER TO INTERROGATORY NO. 8: See answer to interrogatory No. 7.

9. For each asbestos product referred to in No. 7, or which was sold to any other defendant, state separately:

- a. the dates between which the product was commercially sold;
- b. the date and place where the product was designed and developed;
- c. the identity and present whereabouts of the person or persons responsible for the design or development of the product;
- d. the identity and present location of all records describing and dealing with the design and development of the process; and
- e. the identity and present location of all records dealing with the testing of the product; (including testing concerning use, application, durability, toxicity, etc.).

ANSWER TO INTERROGATORY NO. 9: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

10. With respect to each asbestos product referred to in Answer No. 7, or which was made available directly or indirectly, or which was sold to any other defendant, state separately whether you gave any consideration to the possibility of inhalation of asbestos fibers by user of the product. If so:

- a. Describe, in detail, the factors considered.
- b. Give the date, location and name of participants at each meeting where the matter was discussed or considered.

c. Identify each document recording such consideration by date, title, file designation, author and present location.

ANSWER TO INTERROGATORY NO. 10: Abex objects to this interrogatory on the grounds that it is vague, ambiguous and lacks particularity in that the phrase "gave any consideration to the possibility" is undefined. Subject to and without waiving these objections, because the asbestos in Abex's asbestos-containing automotive friction products was resin-bonded and encapsulated, it did not create or contribute to a health hazard.

11. With respect to your answer to Interrogatory No. 7, did you claim your described product(s) to be either safe, effective, and/or easy to handle? If so, identify all such documents, including but not limited to brochures, or advertisements, and revisions thereof by publications, and date.

ANSWER TO INTERROGATORY NO. 11: Abex objects to this interrogatory on the grounds that it is overly broad. Subject to and without waiving these objections, Abex claimed that its asbestos-containing automotive friction products performed their intended purpose effectively, i.e. slowing or stopping a moving vehicle.

12. With respect to each asbestos product referred to in Answer No. 7, or which was sold to any other defendant, state whether any instructions, operating instructions or warnings were given to purchasers of the product or directed to the users of the product. If so, state separately for each product:

a. The verbatim content of each warning or set of instructions.

b. The exact date defendant decided to use the warning.

c. The exact date each warning was first used.

d. The date defendant contends each of its asbestos products had a warning affixed to it.

e. The name, title and present address of the author of each such warning, and/or instructions.

f. Whether the warning or instructions were communicated or delivered to the distributor, and if so, state the name, address and telephone number of the persons who communicated and who received the instructions, and the date they were communicated to the purchaser.

g. Whether the instructions were communicated or delivered to the purchasers, and if so, state the name, address and telephone number of the persons who communicated and who received the instructions and the date communicated to the purchaser.

h. Whether the warning and instructions were physically attached to the product itself when sold and/or delivered, and if so, the method of attachment.

i. Whether any studies, evaluations or analyses of any potential hazards of your asbestos product were conducted by you prior to your use of each warning and/or instructions. If so, identify the study by date, author, title, and file number and state its present location.

j. Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, where it is located.

ANSWER TO INTERROGATORY NO. 12: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Because plaintiff has failed to identify exposure to any asbestos-containing products of this defendant, this interrogatory is further objected to on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. All other grounds for objection are reserved pending possible future product identification. Subject to and without waiving these objections, in 1972 at the latest, and perhaps earlier, Abex commenced the placement of warning labels on its asbestos-containing automotive friction products. This label read as follows:

Caution

Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm

Abex believes this warning was first placed on its asbestos-containing automotive friction products in order to comply with OSHA regulations.

Abex further states that in 1979 and 1982, it participated in the preparation and distribution of a pamphlet published by the Friction Materials Standards Institute, Inc. entitled, "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing."

An excerpt of this pamphlet is reprinted below:

RECOMMENDED PROCEDURES FOR REDUCING
ASBESTOS DUST DURING BRAKE SERVICING

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum limits of levels of airborne asbestos dust to which workers may be exposed. Since most automotive friction materials normally contain a sizeable amount of asbestos, it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

- (1) Areas where brake work is done should be set aside if possible, and entrances should be posted with an asbestos exposure sign as follows:

Asbestos
Dust Hazard
Avoid Breathing Dust
Wear Assigned Protective Equipment
Do Not Remain in Area Unless Your Work
Requires It
Breathing Asbestos Dust May Be Hazardous
To Your Health

- (2) The amount of asbestos in the dust from brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure. During brake servicing, the mechanic should wear a respirator approved by NIOSH for asbestos dust. It should be

worn during all procedures starting with the removal of wheels and including reassembly.

- (3) When removing worn friction materials, remove the accumulated dust in the assemblies with an industrial vacuum cleaner equipped with a high efficiency filter system. If such equipment is not available, dust can be removed with a damp cloth. Do not use compressed air or dry brushing for cleaning unless the assembly is enclosed and properly exhausted.
- (4) Whenever possible, purchase friction materials preground and ready for installation. If matching is necessary, the precautions which must be taken are of extreme importance. This is the operation in brake service when exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator, there must be local exhaust ventilation such that worker exposures are maintained below the OSHA asbestos standards. If there is any question as to the efficiency of asbestos dust removal by the machine, the manufacturer should be contacted.
- (5) Industrial vacuum cleaner bags containing asbestos dust and cloths used for wiping brake assemblies should be sealed in plastic bags and labeled with the following warning label printed in letters of sufficient size and contrast to be readily visible and legible.

Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm

All asbestos waste should be disposed of in accordance with OSHA and EPA asbestos regulations. During removal of vacuum bags, an approved respirator, as described in (2) above should be worn.

- (6) Good housekeeping is essential in a workplace where asbestos containing materials are handled. Industrial vacuum cleaners equipped with multiple stage high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.

- (7) Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering as asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

CAUTION: DO NOT BREATHE ASBESTOS

13. Identify any and all labeling or relabeling agreements in existence since 1939 between Defendant and other persons, including, if applicable, other asbestos products manufacturers.

ANSWER TO INTERROGATORY NO. 13: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, documents which may be responsive to this request may be on file and, if so, may be made available for inspection and copying upon receipt of an appropriate document request.

14. Did you ever consider the resultant effect on sales of your asbestos products, of the public knowing of health hazards linked or allegedly linked to asbestos. If so, please state:

- a. the form of consideration;
- b. the date of the consideration;
- c. the names of each persons who considered the matter;
- d. if the consideration occurred at a meeting, the names and present business and home addresses of those attending; and
- e. the location and identifying codes of all records of such consideration.

ANSWER TO INTERROGATORY NO. 14: Abex objects to

this interrogatory on the grounds that it is vague, ambiguous and lacks particularity in that the term "ever consider the resultant effect" is undefined. Abex further objects to this interrogatory on the grounds that it assumes facts not established. Because the asbestos in Abex's asbestos-containing automotive friction products was resin-bonded and encapsulated, it did not create or contribute to a health hazard.

15. Have you ever imposed or considered any restriction or limitation on the intended use, frequency of use and/or likely use of the asbestos products referred to in Answer No. 7, or sold to any other defendant? If so, state separately for each product:

- a. the verbatim content of each limitation indicating which product is applied to;
- b. the date it was first imposed;
- c. the reason for imposing the restriction or limitations;
- d. if the reason for the restriction is stated in any document, identify each document by date, author, title and state where it is presently located;
- e. the person responsible for imposing the restriction or limitation;
- f. if the limitation or restriction was communicated to purchasers of the product, state how this was communicated, and if in writing, identify the communications and its location; and
- g. if not imposed, state why not.

ANSWER TO INTERROGATORY NO. 15: Abex objects to

this interrogatory on the grounds that it is vague, ambiguous and lacks particularity as to what information is requested. Subjects to and without waiving this objection and to the extent Abex understands this interrogatory, no.

16. Since 1939, have you ever directly participated as an officer or member of directors in a trade association which communicated with an agency or a department of the United States or any individual state, by any means, concerning the specifications, standard, any asbestos product or thermal insulation product. If your involvement was limited to attendance at general meetings, no answer is required. If so, state separately for each product or set of specifications:

- a. identify each such product;
- b. the number, if any, assigned to the military or federal specification or standard;
- c. the name of the association;
- d. the date, time, place, participants, and contents of each communication;
- e. whether any submissions, notes, minutes or memoranda in any form were recorded of such communication or of any meetings between you and the agency;
- f. if (e) is answered in the affirmative, state the name and location of the custodian of such records.

ANSWER TO INTERROGATORY NO. 16: To the best of Abex's knowledge, no answer is required.

17. Has your company had, as part of its processing, distribution and sales of asbestos materials and products, a system of inspections (quality control, safety, etc.) If the answer is in the affirmative, state:

- a. when the system was initiated;
- b. who was responsible for initiating and overseeing the system;
- c. describe the system used;
- d. if there are any documents describing the inspection system, identify each such document.

ANSWER TO INTERROGATORY NO. 17: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, any quality control systems would have ensured that Abex's asbestos-containing automotive friction products would perform their intended task, i.e. slowing or stopping a moving vehicle. Any of these products which did not meet performance specifications, would not have been sold.

18. State whether any such asbestos products were rejected during the inspection process. If so, state what the reasons were for any such rejection.

ANSWER TO INTERROGATORY NO. 18: See answer to interrogatory No. 17.

19. State whether the asbestos products listed in Answer No. 7, or made available to or sold to any defendant, were the subject of any type of advertisement, regardless of media, issued on behalf of your company since 1939. If so, state for each product:

- a. The subject matter of the advertisement.
- b. The media in which the advertisement was placed.
- c. When the advertisement was so placed.
- d. The geographic areas the advertisement was used in.
- e. Whether any photographs or diagrams were included in the copy of the advertisement.
- f. Identify the advertisement by author, date, and present location and custodian, attach copies of all advertisements and state exactly where the advertisement was published, broadcast or made public; and
- g. Was anyone, beside you, involved in the preparation of the copy for the advertisement, and if so, state such other name and address.

ANSWER TO INTERROGATORY NO. 19: Abex objects to this interrogatory on the grounds that it is overly broad and

burdensome. Subject to and without waiving these objections Abex does not know with certainty each material which may have been used to promote or advertise its asbestos-containing friction products. / Some documents which may meet the description of promotional and advertisement materials are on file and can be made available for inspection and copying upon receipt of an appropriate document request. /

20. Have you stopped producing, distributing and/or selling any of the asbestos products listed in Answer No. 7 or which had been made available to or which were sold to any other defendants? If so state:

- a. the reason you stopped;
- b. when you stopped;
- c. whether any studies were conducted before you directed that production and sale be stopped and if so, identify each study by date, author, title and subject matter, and attach a copy.

ANSWER TO INTERROGATORY NO. 20: Abex manufactured and sold asbestos-containing automotive friction products from approximately 1926 to 1987. Abex ceased selling these products due to a shift in the demand of the automotive friction products market.

21. Does your company have knowledge that:

- a. asbestos causes asbestosis?
- b. there is a correlation between exposure to asbestos and the occurrence of asbestosis? If the answer to (a) or (b) is "yes", state what that knowledge is and when you acquired it.

ANSWER TO INTERROGATORY NO. 21: Abex objects to this interrogatory on the grounds that it fails to distinguish

among the different types of raw asbestos fiber, asbestos-containing building products and asbestos-containing automotive friction products. Abex further objects to this interrogatory on the grounds that it seeks a medical opinion which Abex is not qualified to render. This interrogatory is more suitably addressed to an expert witness Abex will designate at the appropriate time.

22 Does your company have knowledge that:

- a. asbestos causes lung cancer; and
- b. there is a correlation between asbestos exposure and the occurrence of lung cancer.

If the answer to (a) or (b) is "yes", state what that knowledge is and when you acquired it.

ANSWER TO INTERROGATORY NO. 22: Abex objects to this interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fiber, asbestos-containing building products and asbestos-containing automotive friction products. Abex further objects to this interrogatory on the grounds that it seeks a medical opinion which Abex is not qualified to render. This interrogatory is more suitably addressed to an expert witness Abex will designate at the appropriate time.

23. Does your company have knowledge that there is a connection between the inhalation of asbestos dust and fibers and the disease mesothelioma? If you answer "yes," state what that knowledge is and when it was received?

ANSWER TO INTERROGATORY NO. 23: Abex objects to this interrogatory on the grounds that it fails to distinguish

among the different types of raw asbestos fiber, asbestos-containing building products and asbestos-containing automotive friction products. Abex further objects to this interrogatory on the grounds that it seeks a medical opinion which Abex is not qualified to render. This interrogatory is more suitably addressed to an expert witness Abex will designate at the appropriate time.

24. Does your company have knowledge that once asbestos fibers or dust are inhaled into the lungs of a person, there is no way to eliminate a portion of such, dust or fibers from the lungs for the balance of such person's life? If your answer is "yes", state what that knowledge is and the date it was received.

ANSWER TO INTERROGATORY NO. 24: Abex objects to this interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fiber, asbestos-containing building products and asbestos-containing automotive friction products. Abex further objects to this interrogatory on the grounds that it seeks a medical opinion which Abex is not qualified to render. This interrogatory is more suitably addressed to an expert witness Abex will designate at the appropriate time.

25. Does your company have knowledge that the symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?

If your answer is "yes", state what that knowledge is and the date it was received.

ANSWER TO INTERROGATORY NO. 25: Abex objects to this interrogatory on the grounds that it fails to distinguish

among the different types of raw asbestos fiber, asbestos-containing building products and asbestos-containing automotive friction products. Abex further objects to this interrogatory on the grounds that it seeks a medical opinion which Abex is not qualified to render. This interrogatory is more suitably addressed to an expert witness Abex will designate at the appropriate time.

26. Do you have knowledge that use of the asbestos material listed in Answer No. 7 can cause or contribute to various occupational diseases, including asbestosis, mesothelioma, cancer and other lung and respiratory diseases? If your answer is "yes", state what that knowledge is and when it was received.

ANSWER TO INTERROGATORY NO. 26: No. Because the asbestos in Abex's asbestos-containing automotive friction products is resin-bonded and encapsulated, it did create or contribute to a health hazard.

27. Do you have knowledge that the use of asbestos insulating products listed in Answer No. 7 are dangerous and harmful to human health? If your answer is that your products are not harmful then explain what facts and tests were made upon which you base such conclusion.

If your answer is "yes", state what that knowledge is and when it was received.

ANSWER TO INTERROGATORY NO. 27: There are no asbestos insulating products listed in answer No. 7.

28. Do you have knowledge that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos product but also to:

a. other workers in the area where the asbestos products are being used;

b. member of the families of workers; If your answer is "yes", state what that knowledge is and when it was received.

ANSWER TO INTERROGATORY NO. 28: Abex objects to this interrogatory on the grounds that it fails to distinguish among the different types of raw asbestos fiber, asbestos-containing building products and asbestos-containing automotive friction products. Abex further objects to this interrogatory on the grounds that it seeks a medical opinion which Abex is not qualified to render. This interrogatory is more suitably addressed to an expert witness Abex will designate at the appropriate time. Abex further states that because the asbestos in Abex's asbestos-containing automotive friction products is resin-bonded and encapsulated, it did create or contribute to a health hazard.

29. Have you ever conducted or financed any studies of the dust levels of asbestos produced when your asbestos products were used, installed or removed from a prior installation.

a. whether or not you have conducted such studies state whether you ever considered doing so and for each such occasion when such consideration was given, state the date, form, and results of each such consideration.

b. if the consideration occurred at a meeting, the names and present business and home addresses of those attending;

c. the location and identity of any records of such considerations.

ANSWER TO INTERROGATORY NO. 29: To the best of current knowledge and belief, no.

30. State the names and addresses of all professional, trade, industrial and safety, hygiene, health

lobbying, engineering, associations and research foundations or organizations you have been a member of since 1939 indicating:

- a. the date your first joined;
- b. the date, if any, your membership terminated;
- c. the names of your employees who attended meetings and the dates and designations of such meetings;
- d. the identity, location, and custodian of all documents including periodicals, reports, receipts for membership fees, meeting agendas, meeting handouts, papers, trip reports, notes, correspondence, memos and any other documents relating to said organizations and meetings.

ANSWER TO INTERROGATORY NO. 30: Because plaintiff has failed to identify exposure to any asbestos-containing products of this defendant, this interrogatory is objected to on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. All other grounds for objection are reserved pending possible future product identification.

31. Do you maintain a library dealing with industrial hygiene, medicine, safety and/or engineering? If so, state:

- a. the date you established the library;
- b. the location of the library;
- c. the name or names of the librarian(s) since 1939;
- d. the identity of all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety and/or engineering.
- e. the identity of all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER TO INTERROGATORY NO. 31: No.

32. Have you, at any time since 1939, maintained any office or department dealing with (even in part) medical research related to asbestos exposure? If so, state:

- a. the name of such department;
- b. the location of such department;
- c. the name, address and title of each person who has been in charge of the department.

ANSWER TO INTERROGATORY NO. 32: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Subject to and without waiving these objections, Abex has employed industrial hygienists and medical directors whose job duties have included ensuring a safe working environment for Abex employees. Because these personnel dealt with the working conditions of Abex employees, further information concerning them is not relevant to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

33. State for any physician, biological scientist industrial hygienist, occupational health specialist, industrial hygiene organization, or health organization ever employed by your firm as a consultant, employee or otherwise, whose duties related to asbestos or occupational diseases;

- a. name and address;
- b. the dates of employment;
- c. the duties and responsibilities;
- d. the location, identifying titles or codes, and custodians of all reports or memoranda written by each;
- e. the professional specialization;
- f. the reason for hiring; and
- g. the name and address of the person in your firm responsible for hiring such person.

ANSWER TO INTERROGATORY NO. 33: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

34. Has your firm ever been cited or admonished by any government agency (federal, state or local) for dust levels in excess of any threshold limit value (TLV) or other predetermined number respecting all dusts found in work areas where asbestos or asbestos products were manufactured or handled? If so, please state:

- a. the dust and TLV or number involved (including standard and actual number);
- b. the date;
- c. the government agency;
- d. the means of identifying any document related to such an occurrence;
- e. any action taken by you and/or the agency involved.

ANSWER TO INTERROGATORY NO. 34: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and, in seeking information concerning the working conditions of Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

35. Have you contributed any funds to research concerning asbestos and its relation to lung, heart, gastro-intestinal, and/or larynx disease? If so, please state for each year the amount of money contributed, when and to whom, attaching any report or reports from each individual or organization to whom your funds were distributed.

ANSWER TO INTERROGATORY NO. 35: See answer to interrogatory No. 36.

36. Did you in any way assist, participate, or contribute any studies of asbestos conducted by the Trudeau Foundation Saranac Laboratory from 1939 to 1980. If so:

- a. state your involvement;
- b. identify all documents relevant to such activities by name, date, title, file number and present location.

ANSWER TO INTERROGATORY NO. 36: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and seeks information which has been gathered or prepared in the course of litigation or which is otherwise protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. To the extent this interrogatory seeks information concerning the working conditions of Abex employees, it is objected to on the grounds that such information lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, ~~Abex~~ is generally aware that it contributed monies for certain studies at the Saranac Laboratory, Saranac, New York. Abex documents reflect that any such studies performed by the Saranac Laboratory on behalf of Abex specifically pertained to siderosis and silicosis studies. Plaintiffs' counsel have produced in discovery unauthenticated photocopies of documents attempting to suggest that Abex agreed in the 1930's to pay \$250 per year for three years with respect to a single asbestos-related study at the Saranac Laboratory. Abex records do not confirm any such agreement, nor do Abex records reflect any such payment.

37. Do you have knowledge that any respirators or other breathing device prevent inhalation of the asbestos dust and fiber from your product? If so, state:

- a. when the respirator was sold;
- b. give the detailed description of such respirator or other breathing device;
- c. the source of your knowledge that it would prevent the inhalation of such dust and fibers and date you received it;
- d. identify any relevant tests performed by date, title, author, and number.

ANSWER TO INTERROGATORY NO. 37: Abex object to this interrogatory on the grounds that it assumes facts not established. Because the asbestos in Abex's asbestos-containing automotive friction products is resin-bonded and encapsulated, it did create or contribute to a health hazard.

38. For every policy of liability insurance insuring you against losses as a result of claims for bodily injury or death as a result of use of your asbestos products from 1939 to the present, list:

- a. the name of each insurer;
- b. each policy number;
- c. the term of such policy;
- d. the amount of the coverage;
- e. whether each policy provides for primary or excess coverage and if excess, the limits;
- f. the deductible, if any, for each policy;
- g. the basis of coverage for each;
- h. the identity of the person having possession of each policy;
- i. if the policy is involved in litigation concerning coverage of asbestos claims, identify that litigation by style and subject matter.

ANSWER TO INTERROGATORY NO. 38: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome and, in seeking information concerning the working conditions of Abex employees, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence.

39. Pursuant to your record retention policy, have you destroyed any documents, records or writings pertaining to:

- a. health, hazards of asbestos;
- b. worker's compensation claims arising out of asbestosis, lung cancer, mesothelioma, corpulmonal, pneumoconiosis, or pulmonary fibrosis;
- c. placing warning labels on your products;
- d. dust-related hazardous conditions in your plants or factories;
- e. funding of studies about health hazards of asbestos;
- f. lawsuits arising out of injuries alleged to have been caused by asbestos;
- g. sales of asbestos products; and
- h. purchases of raw asbestos.

ANSWER TO INTERROGATORY NO. 39: Abex objects to this interrogatory on the grounds that it is overly broad, burdensome, lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, there have been numerous record retention programs instituted by Abex, a diverse, highly decentralized corporation. It is impossible to give a meaningful response to the interrogatory as framed. If the interrogatory is narrowed to refer to specific categories or

types of records, Abex will attempt to provide a meaningful response.

40. Identify all sales records in your possession concerning sales of your asbestos products in the state of New York, including invoices, shipping records, computer records, customer records and state for each:

- a. location;
- b. custodian;
- c. geographical distribution or areas covered by such records;
- d. time period;
- e. whether an index or summary exists;
- f. format or manner by which organized.

ANSWER TO INTERROGATORY NO. 40: Abex objects to this interrogatory on the grounds that it is overly broad and burdensome. Abex further objects on the grounds that information concerning Abex's sales, if any, in New York lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, invoices relating to sales of Abex's asbestos-containing automotive friction products are on file for a period beginning sometime in 1976 to 1987 only. These invoices, which may reflect sales of Abex's asbestos-containing as well as non-asbestos-containing automotive friction products, number well in excess of half a million. Such invoices, which may or may not reflect sales to the plaintiff's work sites, are arranged, for the most part, numerically and chronologically by year and not by customer, product or state. These invoices can be made available

for inspection and copying upon receipt of an appropriate document request.

41. Identify all records of your purchase of raw asbestos including invoices, shipping records, and computer records and state for each:

- a. location;
 - b. custodian;
 - c. geographical distribution or areas covered
- by such records;
- d. time period;
 - e. whether an index or summary exists;
 - f. format or manner by which organized.

ANSWER TO INTERROGATORY NO. 41: Because plaintiff has failed to identify exposure to any asbestos-containing products of this defendant, this interrogatory is objected to on the grounds that it lacks relevance to this case and is not reasonably calculated to lead to the discovery of admissible evidence. All other grounds for objection are reserved pending possible future product identification.

42. If you maintain an index, summary, card catalog, computer listing, outline, or other listing of records stored or retained by your company pursuant to any record retention policy or otherwise, please identify each and state the location, custodian, time period, and documents covered.

ANSWER TO INTERROGATORY NO. 42: See answer to interrogatory No. 39.

43. Did your company ever sell or distribute any asbestos-containing products to Harry Belkin trading as Crosstown Auto Parts, 1149 Webster Avenue, New York, New York? If the answer is yes, please provide all invoices and sales records relating to the sale.

ANSWER TO INTERROGATORY NO. 43: See answer to
interrogatory No. 40.

44. Did your company ever sell or distribute any asbestos-containing products to Unit Brake & Clutch, Inc., 348 West 14th St., New York, New York 10014? If the answer is yes, please provide all invoices and sales records relating to the sale.

ANSWER TO INTERROGATORY NO. 44: See answer to
interrogatory No. 40.

45. Did your company ever sell or distribute any asbestos-containing products to E R Auto Parts Co., Inc., 2598 Third Ave. at 140th St., Bronx, New York 10454? If the answer is yes, please provide all invoices and sales records relating to the sale.

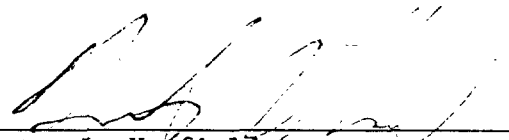
ANSWER TO INTERROGATORY NO. 45: See answer to
interrogatory No. 40.

46. Please provide a list of all distributors of your asbestos-containing products in the City of New York, New York, and the City of Bronx, New York.

ANSWER TO INTERROGATORY NO. 46: See answer to
interrogatory No. 40.

STATE OF NEW HAMPSHIRE :
:SS
COUNTY OF ROCKINGHAM :

BEFORE ME, a Notary Public, personally appeared Dexter L. Kenfield, who being duly sworn according to law deposes and says that he is Corporate Counsel of ABEX CORPORATION, and that he is authorized to make this affidavit on its behalf, and that the facts contained in the foregoing Answers to Interrogatories are true and correct to the best of his knowledge, information, and belief.


Dexter L. Kenfield

SWORN TO AND SUBSCRIBED
before me this 25th day
of November 1991.


NOTARY PUBLIC (My Commission Expires May 8, 1995)